

Application Number 09/806,823

REMARKS

18-048 The Office Action dated September 10, 2003 presents the examination of claims 1-4, 13, 15, and 17. Claims 5-12 are withdrawn from consideration. Claims 1-4 and 17 are allowed. Claim 14 remains rejected, while claims 13-15 are objected to. Claim 14 is canceled herein. Claims 13 and 15 are amended to depend from one of claims 1 and 2. Claim 12 is amended to correct a typographical error made in the Preliminary Amendment filed on April 5, 2001. No new matter is inserted into the application.

Information Disclosure Statement

Applicants filed an Information Disclosure Statement (IDS) on October 4, 2001. The Examiner returned the Form PTO-1449 to Applicants attached to the Office Action of September 10, 2003. However, 10 references are crossed out and not initialed by the Examiner. The Examiner gives no reason as to why these references were not considered. The Examiner is respectfully requested to either explain why these references were not considered, or consider these references and initial and return the PTO-1449 as evidence thereof. A copy of the Form PTO-1449 listing only the references crossed out by the Examiner is attached hereto for the Examiner's convenience.

Rejection under 35 U.S.C. § 112, first paragraph

The Examiner rejects claim 14 under 35 U.S.C. § 112, first

paragraph for allegedly containing subject matter not described in the specification. Claim 14 is canceled, thus rendering the rejection moot.

Claim 15

Claim 15 is rejected for being dependent from rejected claim 14. Applicants respectfully traverse. Reconsideration of the claims and withdrawal of the instant rejection are respectfully requested.

Claim 15 is amended to be dependent from one of claims 1 and 2. Thus, the instant rejection is overcome.

Claim Objections

The Examiner objects to claims 13 and 14 for being dependent from non-elected claim 11. Claim 14 is canceled, thus rendering the objection thereof moot. Applicants respectfully traverse the objection of claim 13. Reconsideration of the claim and withdrawal of the instant objection are respectfully requested.

In order to overcome this objection, Applicants amend claim 13 to be dependent from one of claims 1 and 2 only. Thus, the instant objection is overcome.

Conclusion

Applicants respectfully submit that the above amendments and/or remarks fully address and overcome the rejections and

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objections of record. The instant claims are now in condition for allowance. Early and favorable action by the Examiner is respectfully requested.

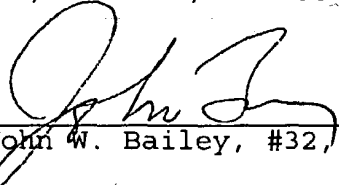
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Kristi L. Rupert, Ph.D. (Reg. 45,702) at the telephone number of the undersigned below.


If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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By


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Attachments: Form PTO-1449